

**CHAPTER 1059**PROFESSIONAL LICENSING AND REGULATION  
BY THE DEPARTMENT OF COMMERCE BANKING DIVISION

S.F. 2179

**AN ACT** making specified changes relating to professional licensing and regulation under the purview of the banking division of the department of commerce.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 103A.10, subsection 3, Code Supplement 2007, is amended to read as follows:

3. Provisions of the state building code relating to the manufacture and installation of factory-built structures shall apply throughout the state. A factory-built structure approved by the commissioner shall be deemed to comply with all building regulations applicable to its manufacture and installation and shall be exempt from any other state or local building regulations. Except with respect to manufactured homes, as defined in section 103A.51, subsection 4, a provision of this chapter relating to the manufacture or installation of factory-built structures shall not alter or supersede any provision of chapter 542B concerning the practice of professional engineering or chapter 544A concerning the practice of architecture.

Sec. 2. Section 542.4, subsection 5, Code 2007, is amended to read as follows:

5. ~~a. A member of the The~~ board shall maintain the confidentiality of information relating to the following:

- ~~a. Criminal history or prior misconduct of the applicant.~~
- ~~b. (1) Information relating to the The~~ contents of the examination.
- ~~e. (2) Information relating to the The~~ examination results other than final score except for information about the results of the examination given to the person examined.
- b. A member of the board who willfully communicates or seeks to communicate such information in a manner which violates confidentiality requirements, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

Sec. 3. Section 542B.32, Code 2007, is amended to read as follows:

542B.32 DISCLOSURE OF CONFIDENTIAL INFORMATION.

- ~~1. A member of the The~~ board shall not disclose information relating to the following:
  - ~~1. Criminal history or prior misconduct of the applicant.~~
  - ~~2. a. Information relating to the The~~ contents of the examination.
  - ~~3. b. Information relating to the The~~ examination results other than final score except for information about the results of an examination which is given to the person who took the examination.
  2. A member of the board who willfully communicates or seeks to communicate such information, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

Sec. 4. Section 543B.52, Code 2007, is amended to read as follows:

543B.52 DISCLOSURE OF CONFIDENTIAL INFORMATION.

- ~~1. A member of the The~~ commission shall not disclose information relating to the following:
  - ~~1. Criminal history or prior misconduct of the applicant.~~
  - ~~2. a. Information relating to the The~~ contents of the examination.
  - ~~3. b. Information relating to the The~~ examination results other than final score except for information about the results of an examination which is given to the person who took the examination.
  2. A member of the commission who willfully communicates or seeks to communicate such

information, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

Sec. 5. Section 543D.4, Code 2007, is amended by adding the following new subsection:  
NEW SUBSECTION. 10. The provisions of section 272C.2, subsection 4, shall only apply to a certified real estate appraiser or an associate real estate appraiser to the extent consistent with the policies adopted by the appraisal qualifications board of the appraisal foundation.

Sec. 6. Section 544A.8, unnumbered paragraph 4, Code 2007, is amended to read as follows:

In lieu of examination, the board may grant registration by reciprocity. A person applying to the board for registration by reciprocity shall furnish satisfactory evidence that the person meets both of the following requirements: holds qualifications determined by the board to be substantially equivalent to the requirements for initial registration in accordance with section 546.10, subsection 8.

Sec. 7. Section 544A.8, subsections 1 and 2, Code 2007, are amended by striking the subsections.

Sec. 8. Section 544A.9, Code 2007, is amended to read as follows:  
544A.9 REGISTRATION.

When the applicant has complied with the requirements as set forth in section 544A.8, ~~to the satisfaction of at least four members of the board,~~ and has paid the fees prescribed by the board, the ~~secretary~~ executive officer shall enroll the applicant's name and address in the roster of registered architects and issue to the applicant a certificate of registration, signed by the officers of the board, which certificate shall entitle the applicant to practice as an architect in the state of Iowa.

Sec. 9. Section 544A.13, unnumbered paragraph 3, Code 2007, is amended to read as follows:

Proceedings for the revocation of a certificate shall be initiated by filing written charges against the accused with the board. ~~Upon the filing of charges the board may request the department of inspections and appeals to conduct an investigation into the charges. The department of inspections and appeals shall report its findings to the board, and a~~ A time and place for the hearing of the charges shall be fixed by the board if the board determines that a hearing is warranted. If personal service or service through counsel cannot be effected, service may be by publication. At the hearing, the accused has the right to be represented by counsel, to introduce evidence, and to examine and cross-examine witnesses. The board may subpoena witnesses, administer oaths to witnesses, and employ counsel. ~~The board shall make a written report of its findings, which shall be filed with the secretary of state, and which is conclusive.~~

Sec. 10. Section 544A.15, subsection 1, Code 2007, is amended to read as follows:

1. It is unlawful for a person to engage in or to offer to engage in the practice of architecture in this state or use in connection with the person's name the title "architect", "registered architect", or "architectural designer", or to imply that the person provides or offers to provide professional architectural services, or to otherwise assume, use, or advertise any title, word, figure, sign, card, advertisement, or other symbol or description tending to convey the impression that the person is an architect or is engaged in the practice of architecture unless the person is qualified by registration as provided in this chapter. However, the board may by rule authorize a person to offer to perform architectural services in this state prior to registration in this state if the person is registered in good standing to practice architecture in at least one other state or jurisdiction, the person holds a certificate from a national certification council recognized by the board, the person makes such disclosures as the board may require by rule, and the person becomes duly registered in this state prior to otherwise practicing architecture in this state as defined in section 544A.16, subsection 8.

Sec. 11. Section 544A.27, Code 2007, is amended to read as follows:

544A.27 DISCLOSURE OF CONFIDENTIAL INFORMATION.

~~1. A member of the The~~ board shall not disclose information relating to the following:

~~1. Criminal history or prior misconduct of the applicant.~~

~~2. a. Information relating to the The~~ contents of the examination.

~~3. b. Information relating to the The~~ examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

~~2.~~ A member of the board who willfully communicates or seeks to communicate such information, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

Approved April 11, 2008

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## CHAPTER 1060

### MODIFICATION OF CHILD CUSTODY OR PHYSICAL CARE ORDERS — ACTIVE MILITARY DUTY

*S.F. 2214*

**AN ACT** relating to modification of a child custody order during the time a parent is serving active duty.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. 598.41C MODIFICATION OF CHILD CUSTODY OR PHYSICAL CARE — ACTIVE DUTY.

1. If an application for modification of a decree or a petition for modification of an order regarding child custody or physical care is filed prior to or during the time a parent is serving active duty in the military service of the United States, the court may only enter an order or decree temporarily modifying the existing child custody or physical care order or decree if there is clear and convincing evidence that the modification is in the best interest of the child. Upon the parent's completion of active duty, the court shall reinstate the custody or physical care order or decree that was in effect immediately preceding the period of active duty. If an application for modification of a decree or a petition for modification of an order is filed after a parent completes active duty, the parent's absence due to active duty does not constitute a substantial change in circumstances, and the court shall not consider a parent's absence due to that active duty in making a determination regarding the best interest of the child.

2. As used in this section, "active duty" means active military duty pursuant to orders issued under Title 10 of the United States Code. However, this section shall not apply to active guard and reserve duty or similar full-time military duty performed by a parent when the child remains in actual custody of the parent.

Approved April 11, 2008